

**LOWELL PLAN COMMISSION MEETING  
DECEMBER 11, 2014**

President Kelley called the meeting to order at 7:00 P.M. The Pledge of Allegiance was recited. Recording Secretary Dianna Cade called the roll. Members answering the roll call were Richard Kelley, James Konradi, Elias Carras, Matt Felder, and Craig Early. Robert Philpot and Don Parker were not in attendance. Also present were Planning Consultant Jim Mandon, Town Attorney Jim Kramer and Building Official Tom Trulley.

**APPROVAL OF MINUTES**

Mr. Konradi made a motion to approve the December 11, 2014 regular meeting minutes, seconded by Mr. Early and carried with five ayes.

**PUBLIC HEARING**

14-017 Complete Streets Ordinance

Mr. Kelly opened up the public hearing, with no one to speak for or against the petitioner. The public hearing was closed.

**Mr. Carras made a motion to forward a favorable recommendation to the Town Council, seconded by Mr. Early and carried with a voice vote.**

**OLD BUSINESS – Temporary Signs**

Mr. Mandon stated that he made changes based on recommendations that were made at the last meeting by the Board members. Mr. Mandon stated that most of the changes had to do with the size of the signs and he also incorporated universal elements that pertain to all temporary signs, for example: anchoring and structuring which in the previous document was only part of the public expression section. Discussion followed.

Mr. Early referred to the political sign portion and asked if the interpretation of six square feet would mean that they were allowed twenty six foot square signs in their yard. Mr. Early asked if we are we going to limit the number of signs allowed. Mr. Kramer stated that constitutionally you cannot. Mr. Early stated that previously we limited the total square footage regardless of the size of each sign, they could not exceed the total square footage. Mr. Kramer stated that during the election season it gets very sensitive and you really cannot limit it.

Mr. Early referred to category H and asked if we are keeping the size regulation at sixteen square feet. Mr. Mandon stated that primarily we are keeping it that way because it is public expression. Mr. Kramer stated that there is a danger if you keep the size too small, it could be interpreted as limiting public speech. Mr. Early asked what the difference is between political expression and political campaign signs. Discussion followed. Mr. Mandon stated that we would have a difficult time enforcing an ordinance

that says you cannot put up a political expression sign that simply states what the resident's policy is toward some public issue. Mr. Mandon stated that public expression signs are also allowed to stay up, there is not a duration to which the resident has to adhere. Mr. Early stated that he is worried because the political aspect is included in that category and that a resident could put up his own homemade sign endorsing candidates. Mr. Mandon stated regardless of whether we prohibit or not, people can put up political expression signs, we cannot make them take them down. Mr. Kramer stated that you can limit the size; sixteen square feet is adequate. Mr. Kramer stated if the size limit is too small and they cannot be read, that is when you run into an issue of limiting what is guaranteed under the first amendment. Mr. Early asked in that particular category if we cannot limit the number of signs, can we include total area limits? Mr. Kramer stated that he believes that you can. Mr. Kramer stated he has researched this since the last meeting and there is not a particular case out there that has addressed this issue. Mr. Kramer stated that the standard we have to go by is whether we are trying to single out political expression or religious expression or something that is protected by the first amendment and treat it differently. Mr. Early stated if we were to include the language, not to exceed sixteen total square feet, they can put up as many signs as they want but cannot surpass the total square feet. Mr. Kramer stated under this ordinance that is correct. Mr. Felder asked if we can limit the total number of signs to one zoning lot. Mr. Kramer stated that he believes that if you want to limit it to one sign at sixteen square feet, that would be okay, because you are not limiting a persons ability to express themselves. Mr. Early stated that what we need to convey is that we do not want to limit a person's ability to express themselves, but we are concerned about the square footage of signage. Mr. Early asked if the language could be stated not exceeding sixteen square feet total. Mr. Early stated the way he is interpreting the verbiage is that you could put up two signs of sixteen square feet. Mr. Kramer stated that he understood what Mr. Early was saying; you could put up multiple sixteen square foot signs. Mr. Early stated that is the way he is reading it. Mr. Felder asked if we could limit it to one sign. Mr. Early stated no, that would be limiting them to one "expression". Mr. Kramer stated that the way it is written it certainly can be interpreted the way Mr. Early is interpreting it. Mr. Kramer stated that if it is the inclination of the Commission, you could limit it to one sign of sixteen square feet total. Discussion followed.

Mr. Mandon discussed locations of where signage is allowed. Mr. Mandon stated is it your intent to have one sign not exceeding sixteen square feet total at any one time. Discussion followed on the last two categories.

Mr. Early asked about the definition of campaign signs. Discussion followed. Mr. Kramer stated if the Commission is so inclined, you can add to section H that public expression signs in this category do not include candidacy signs, because it is expressly said what he thinks is implicit in the ordinance. Mr. Early stated he thinks that is the language we should have.

Mr. Mandon stated that he will make the changes and schedule a public hearing for the next meeting.

## **ANNOUNCEMENTS**

Mr. Kelly stated that the next regularly scheduled Plan Commission meeting will be held on, Thursday, January 15<sup>th</sup>, 2015. Discussion followed on the moving of the meeting for January only.

## **ADJOURNMENT**

With no further comments or questions Mr. Konradi made a motion to adjourn the meeting at 7:20pm, seconded by Mr. Early and carried by a voice vote.

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Richard Kelley, President

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Elias Carras, Secretary